collaterals are delivered at the time the debt is incurred and where the statute is declared raised upon the sale and application of the proceeds after the debt has been barred. In such cases it is held that the right to take advantage of the statute is waived from the beginning and it is going very far when it is said that such an intention exists in the mind of a debtor who takes collaterals to a bank and appoints the cashier his agent to secure the debt with the collaterals. The principal case, however, accords wih the numerical weight of authority.

MASTER AND SERVANT—INJURY TO MINOR EMPLOYE—CHILD LABOR LAW.—ELK COTTON MILLS v. GRANT, 79 S. E., 836 (GA.).—*Held,* the employment of a minor under the prescribed age in a factory, in disobedience of the statute prohibiting such employment, is negligence *per se,* and, if any injury to such child proximately result from the employment, a right of action in its favor arises.

In general it is the duty of the master to use all reasonable diligence, care and caution in providing for the safety of his servants. *Frank v. Otis,* 15 N. Y. St. Rep., 681. The mere employment of a minor about dangerous work without his parents' consent, is not negligence *per se,* so as to render the employer liable. *Penn. Co. v. Long,* 94 Ind., 250; *Tex. & P. Ry Co. v. Carlton,* 60 Tex., 397. Under statutory provisions, however, there is a conflict as to whether or not such employment constitutes negligence *per se. Ash v. Verlenden,* 154 Pa., 246, held inexperience and want of knowledge must be shown. *Belles v. Jackson,* 4 Pa. Dist. R., 194; *White v. Witemann Co.,* 131 N. Y., 631, accord. In New York the last named case overruled *Cook v. Lalance Grosjean Co.,* 33 Hun., 351, which held, in harmony with the principal case, that such employment was negligence *per se. Nickey v. Stender,* 164 Ind., 189; *American Car Co. v. Armentraut,* 214 Ill., 509; *Queen v. Dayton,* 95 Tenn., 458; *Ornamental Iron Co. v. Green,* 108 Tenn., 161, held there was negligence *per se.* A similar devision in *Lee v. Sterling Co.,* 93 N. Y. S., 560, was reversed in 101 N. Y. S., 78. The case of *Elk Cotton Mills v. Grant* accords with the majority view, which seems to be based on a reasonable interpretation of the statute. The theory of the case is that the violation of a statutory duty is equivalent to a violation of a common law duty, and there arises a consequenial liability for the proximate results of such violation.

PLEADINGS—ALTERNATE ALLEGATIONS—ELECTION.—LOUISVILLE & N. R. R. Co. v. STRANGE'S ADMX., 161 S. W. (KY.), 239.—In an action for the death of the carrier's servant, plaintiff, not knowing whether the train at the time of her intestate's death was engaged in interstate or intrastate commerce, but that one or the other was true, sought to join a cause of action at common law with one under the Federal Employers Liability Act. Defendant moved that plaintiff be required to elect whether she would proceed under the state or Federal law. *Held,* the rights and liabilities of the parties under the Federal and state law being essentially different, defendant was entitled to compel plaintiff to elect under which she would proceed. Nunn, J., *dissented.*